



City of Beverly

IN CITY COUNCIL

PLANNING

April 5, 2010

The Committee on

Legal Affairs / Committee of the Whole

To whom was referred the matter of

Ordinance Zoning Reuse of Existing and Former Public Buildings

have considered said matter and beg leave to report as follows, to wit:

- ☒ Submit the accompanying ^{AMENDED} ordinance and recommend its adoption
- ☐ Submit the accompanying order and recommend its adoption
- ☐ Receive and Place on File
- ☐ No Further Action
- ☐ Refer to City Solicitor
- ☐ Recommend License Be Granted
- ☐ Recommend the Petition be Granted
- ☐ Recommend the Council approve the Appointment
- ☐ Recommend the Council approve the Sign Application

A TRUE COPY

ATTEST: *James A. McDonald*
City Clerk



City of Beverly

In the year two thousand and

ten

An Ordinance

amending an ordinance relative to Zoning, Sec. 29-24.E.

Be it ordained by the city council of the city of Beverly as follows:

E Residential Reuse of Existing and Former Public Buildings
(Ord. No. 1., 4-6-07)

DELETE: Sections 1-5

ADD:

1. Purpose - To provide for the productive reuse of existing or former public buildings and the lots on which they are located primarily for residential purposes, and to provide affordable housing opportunities for low/moderate income households.

2. Use Regulation - In any zoning district, the City Council may allow by Special Permit the reuse of an existing or former public building and the lot on which it is located, as hereinafter defined, for residential purposes and for other supporting use(s) the Council may determine are appropriate, provided that twelve percent (12%) of such allowed housing units are set aside for low or moderate income tenants or owners as hereinafter defined. The Special Permit may allow a greater number of residential units than would otherwise be permitted under the building and area requirements applicable to the zoning district in which such building and lot are located.

In the case of units to be owned or occupied by low or moderate income households, such units shall be subject to an affordable housing restriction that contains limitations on use, occupancy, sale, resale and rents, and provides for periodic monitoring to verify compliance with and to enforce said restriction. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of Chapter 184, Section 26 or Sections 31-32 of the Massachusetts General Law.

Each affordable unit created under this Section shall be sold or rented to a household with income at or below 80% of the area median income that applies to subsidized housing in the City of Beverly, as reported annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

For any special permit issued under this Section, the provisions of Section 29-24.B. (Open Space Residential Design -- OSRD) shall be optional.

3. Public Building Defined - For purposes of this section, "public building" shall be defined as any building together with the lot on which it is located that is currently or formerly owned by the City of Beverly or any of its departments, authorities, or agencies.
4. Low or Moderate Income Household - For purposes of this section, "low or moderate income household" shall be defined as those whose annual income falls within the income guidelines for low or moderate income as determined by the US Department of Housing and Urban Development for the Boston-Cambridge-Quincy MA - NH - MSA .
5. Parking - Parking shall be provided as required by Section 29-25. of the Zoning Ordinance..

NO. 3A

An Ordinance

Zoning Sec. 29-24.F,

relating to

residential reuse of
existing and former public
buildings

IN CITY COUNCIL

Jan. 21, 2010

CITY OF BEVERLY
Presented to the Mayor for Approval

Apr. 22, 2010

City Clerk

Approved



Clerk